C Durgah Khawaja

1946.

File No. 46

Legal Department

A **BRANCH**

Subject

Opinions Under the Durgah Khawaja Saheb Act 1936

C Durgah Khawaja

File No. 144

Gen. 191 e.

299-H

C O N T E N T S.

Legal Department File No. O. Durgah Khawaja/46

Serial No.	R.I./O.No.	Subject	Pages
	O. Durgah Khawaja/1946	The Durgah Khawaja Saheb Act, 1946	
1	R.I.No. 3591/26-4 46 O.No. 3217/30-4-46	Question whether the member elected to the Durgah Committee by the Muslim members of the Legislature continues to hold office for five years even if he ceases to be a member of the Legislature.	1-3

S:R 7-7-56
6 Copies.

P.H.B 1/8

Nair 1/8

L.D. 3591/25-4-1946.

Submitted with reference to the L.A.office note at p. 1 ante.

2 Section 5(1)(e)(iii) of the Durgah Khawaja Saheb Act, 1936,(Act no. XXIII of 1936) provided that the Durgah Committee, consisting of twenty five Hanafi Muslim members, shall include one member elected by the Muslim members of the Provincial Legislaure of Bombay. Mr. Musaji E.Patel, a muslim member of the last Legislative Assembly, was elected to serve on the Durgah Committee, Ajmer in 1944. Mr. M.E.Patel is not re-elected to the Bombay Legislative Assembly. The point for consideration is whether a member elected as aforesaid contains to hold office for 5 years if h ceased to be a member of the Legislature.

3 Sub-section (3) of section 5 of the Durgah Khawaja Saheb Act, 1936 provides that no person shall b disqualified for election to the committee under cl.(e of sub-section (1) by reason only of the fact that he is not a member of the Legislature or the Legislative Assembly concerned. This clearly shows that members of the Provincial Legislature of Bombay need not elect a member of the Committee from among themselves but are competent to elect even an outsider i.e. a non-member of Bombay Legislature Mr. M.E.Patel having been duly elected in 1944, will continue a to be a member of the Durgah Committee, since the term of office of members of the Committee is five years from the date of their election (vide section 9(1) of Act). The view expresse by Secy. L.A. is, therefore correct.

Id./..... 27/4/46

S.D.
Id./ S.W.D.
20/4
A.A.S. I agree with Secys. L.A., The member elected to the Durgah Committee by the Muslim members of the

Legislature continues to hold office for 5 years

even if he ceased to be a member of the Legislature [A]

A.L.R.
Id./---
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R.L.A. : Id./P.N.M. 29/4/46

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The member elected to the Durgah Committee by the Muslim members of the Bombay Legislature continues to hold office for 5 years even if he ceases to be a member of the Legislature.

Id./P.N.M.

Secretary to Government.

U.O. to L.A.Office, No. 3217, dated the 30th April 1946.

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